

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
September 19, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, September 19, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. The invocation was given by the Reverend Wayne Price, Grace Episcopal Church.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest of the Board of Supervisors, but stated he did not have any new information to pass onto the Board.

Mr. Burgett asked if the paving schedule for next year had been decided. He mentioned there were streets in his district that needed repaving.

Mr. Elliott replied the schedule was almost complete, and he asked Mr. Burgett for a list of the streets that needed repaving.

Mr. Burgett also noted he felt the overpass at Route 134 and Route 17 required some attention.

Mrs. Noll stated she felt the widening of Route 17 northward from Fort Eustis Boulevard was unnecessary and that the funds for that project could be used elsewhere on Route 17. She asked Mr. Elliott what his recommendation was on that project.

Mr. Elliott stated he supported VDOT's position. He noted that it was a district-wide project, and he supported the decision as a district.

Mrs. Noll stated the County did not want to widen Route 17 northward to the Coleman Bridge, but that VDOT felt it should go forward with that widening project. She further explained that a portion of the median would be lost, thereby losing a beautiful green area. She suggested that if VDOT wouldn't listen to the County, then perhaps it would listen to the citizens.

Mr. Elliott stated it was a regional project and, through York County, it served as a connection for other jurisdictions.

Miss Rapp stated she would be providing VDOT with a list from all the homeowners associations in her district of their requests for road repavings. Another area of concern for her was the erosion occurring at the intersection of Route 171 and Yorktown Road, where two or three culverts were stopped up. She asked for an email notification when the work was complete.

Mr. Wiggins indicated he felt the widening of Route 17 from the bridge to Fort Eustis Boulevard was senseless. He felt that Route 17 northbound would carry all the traffic that Fort Eustis Boulevard and the bridge carried.

Mr. Elliott stated the Coleman Bridge had been constructed to accommodate six-lanes should that be required. He explained that Route 17 could be made into a six-lane road which may coincide with any improvements on the other side of the river.

Mr. Wiggins replied that the County has back-up problems in the southern end of the County and not in the proposed area to be widened.

Mr. Elliott stated alternative routes needed to be created to provide people with other paths instead of continuing to clog up the mainroads. He suggested options such as access management, shared entrances, creating internal streets off Route 17, and continuing to push to try and get projects funded on the lower end of Route 17 to increase capacity. He asked that the Board continue to work with him and continue asking for funding.

Mr. Wiggins questioned the status of Grafton Drive and when it would be completed.

Mr. Elliott indicated it was almost finished, but the weather had put a damper on its completion. He apologized for the inconvenience it had caused and explained the original contractor had defaulted on his contract.

Mr. Zaremba asked Mr. Stuck what the County's official position was with respect to six lanes versus four lanes on Route 17.

Mr. Stuck stated the County had sent letters to its legislators as well as to VDOT asking them to strongly consider not widening to six lanes. He advised that VDOT has just recently informed the County it will move ahead with the design as originally planned. He explained that a resolution stating the Board's position had been prepared for adoption at the next Regular Meeting.

Mr. Zaremba stated a number of roads needed to be repaved in his district, one of them being Saxon Road off of West Queen's Lake. He asked if there was a more formal way make a request to VDOT, and he asked how the County's roads were prioritized.

Mr. Elliott explained that the VDOT superintendents were required to ride and inspect the roads each year to make evaluations. He explained the process of determining which roads would be paved and the budgetary restrictions involved.

## **PRESENTATIONS**

### **INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Zaremba introduced and welcomed the following newly appointed members to their respective Boards and Commissions, and presented them with a Boards and Commission Handbook and York County pin.

Charlotte L. Haywood York County Transportation Safety Commission  
Troy Maxwell York County Wetlands Board

#### ZWEIBRUCKEN STUDENT EXCHANGE PROGRAM

Ms. Sandy Hespe, Student Exchange Program Coordinator, made a presentation on this year's Zweibrucken Student Exchange Program and thanked the Board for its support. Ms. Hespe then introduced the following students who participated in the program:

Zak Anderson	Tabb High School	Andrew Fox	Tabb High School
Marissa Dearborn	Tabb High School	Gurmeet Gill	Tabb High School
Danielle Hale	York High School	Greg Maciog	Grafton High School
Kristen Nicholson	York High School	Paul Rosenblatt	Tabb High School
Angela Sexton	Tabb High School	Elizabeth Still	York High School

#### CITIZENS COMMENT PERIOD

Ms. Daphne Pritchett, 801-B Bridge Crossing, spoke concerning the wetlands behind her home that were being surveyed. She had no problem with building, and no qualm with industry. She was concerned with the County continuing to allow high-density building and how it could increase crime in the County. She also stated her concern with the water table if the wetlands were allowed to be filled. She agreed that Route 17 did not need widening near the bridge, but it did from Fort Eustis Boulevard down to the reservoir. She felt it needed to be three lanes, and the traffic lights needed to be synchronized.

#### COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had nothing to report at this time.

Mr. Zaremba mentioned the last work session of the Board when the subject of President's Park and a possible appeal were discussed.

Mr. Barnett stated the Board members at the work session indicated they were comfortable with the Court's decision and did not want to go forward with an appeal.

Mr. Burgett concurred that at the work session he had asked for a consensus of the four members present, and it was agreed they did not want to take any further action regarding President's Park.

#### COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck reported on a traffic accident on Route 17 on September 18 that involved one of the County's deputies and a resident which resulted in a fatality, and he extended sympathies to the family of the victim. He reminded the Board of the Employee Family Picnic to be held on October 7 at Chisman Creek Park. He reminded the Board of the upcoming work session on Tuesday, September 26 at 6:30 p.m. Mr. Stuck then informed the Board the Yorktown Library would close on the 25<sup>th</sup> of September for renovations, and it would be closed for approximately twelve weeks. He reported on a tax study prepared by the Hampton Roads Planning District Commission (HRPDC) and how the tax system in Virginia was structured. He explained the HRPDC also put together a video that explained how the costs of government were being shifted to the local governments. He indicated the County would be running the video on Cable Channel 46 if the Board agreed to air it. He then remarked on some emails received on the commercial development of Wal-Mart at the intersection of Route 17 and 171, and he explained the zoning for this development occurred many years ago, and the process occurring now was a technical review carried out by various regulatory agencies.

### **MATTERS PRESENTED BY THE BOARD**

Miss Rapp spoke of a constituent meeting she would be conducting the Tabb Library on October 5 at 7:30 p.m. She explained she would be sending out a report called "The Rapp Report" which was her synopsis of what was going in the County. She indicated it was her hope to send out two reports per year. She stressed that the reports were not paid for by taxpayers but out of her pocket. She asked for volunteers to help in her district and stated her new website would be running in a few days. She asked Mr. Parker how he announced the town meetings to the citizens.

Mr. Parker explained that the Board meetings were advertised on Channel 46, press releases were issued to the newspapers and libraries, and meetings were posted on the website.

Meeting Recessed. At 7:59 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:09 p.m. the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **CHILD DEVELOPMENT RESOURCES, INC., LEASE AGREEMENT**

Mr. Stuck made a brief presentation on proposed Resolution R00-142 to authorize the execution of a lease agreement with Child Development Resources, Inc., for office space in the Griffin-Yeates Center Building.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-142 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD

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There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R00-142 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia Corporation, operates the First Steps program whose purpose is to provide an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens and which is located in the Griffin-Yeates Center on Government Road; and

WHEREAS, Child Development Resources, Inc., has been implementing a federal grant that provides training for professionals who work with young children and has asked to rent an office with approximately 200 square feet also located within the Griffin-Yeates Center on Government Road to serve as a base of operations for personnel involved in the implementation of that grant; and

WHEREAS, the County desires to make available approximately 200 square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center located at 1490 Government Road, which is a building owned by the County of York, by the execution of a Lease Agreement for a term of one year with Child Development Resources, Inc.; and

WHEREAS, charges for that space shall be at a rate of \$9.00 per square foot per year with the proceeds from such rental to be dedicated to the County Children's Food Services program; and

WHEREAS, a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on September 19, 2000;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that the County Administrator be, and he is hereby, authorized to execute a Lease Agreement with Child Development Resources, Inc. for approximately two hundred (200) square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center, for a term commencing November 1, 2000 and ending October 31, 2001, and in consideration of the sum of nine dollars (\$9.00) per square foot per year.

BE IT FURTHER RESOLVED that proceeds from such rental shall be dedicated to the County Children's Food Service program.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba  
Nay: (0)

APPLICATION NO. ZM-50-00, ROLAND R. AND BETTY A. ROLLINS (TRUSTEES) AND YORKMINSTER PRESBYTERIAN CHURCH

Mr. Robert Baldwin, Chief Planner, after displaying a brief video showing the area in question, made a presentation on proposed Ordinance No. 00-17 to reclassify from Planned Development to General Business a .46-acre piece of property located at 6106 George Washington Memorial Highway, and reclassification of a .13-acre parcel from General Business to Planned Development at the same location. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-17.

Chairman Zaremba then called to order a public hearing on Application No. ZM-50-00 which was duly advertised as required by law. Proposed Ordinance No. 00-17 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 0.46 ACRE FROM PD (PLANNED DEVELOPMENT) TO GB (GENERAL BUSINESS) AND APPROXIMATELY 0.13 ACRE FROM GB TO PD

There being no one present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 00-17 which reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 0.46 ACRE FROM PD (PLANNED DEVELOPMENT) TO GB (GENERAL BUSINESS) AND APPROXIMATELY 0.13 ACRE FROM GB TO PD

WHEREAS, Roland R. and Betty A. Rollins and Yorkminster Presbyterian Church have submitted Application No. ZM-50-00 to amend the York County Zoning Map by reclassifying a 0.46 acre piece of property from PD (Planned Development) to GB (General Business) and a 0.13-acre piece of property from GB to PD, said pieces of property being portions of a 14.95-acre parcel located at 6106 George Washington Memorial Highway (Route 17) that is further identified as Assessor's Parcel No. 24-(72)-3; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that Application No. ZM-50-00 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying a 0.46 acre piece of property from PD (Planned Development) to GB (General Business) and a 0.13-acre piece of property from GB to

PD, said pieces of property being portions of a 14.95-acre parcel located at 6106 George Washington Memorial Highway (Route 17) that is further identified as Assessor's Parcel No. 24-(72)-3 and is more fully identified and described as follows:

From PD (Planned Development) to GB (General Business):

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 0.4601 acres and being known and designated as "Area proposed to be Rezoned from PD to GB (0.4601 acres)" as shown on that certain plat entitled "Plat showing Proposed Rezoning, Properties of Betty A. and Roland R. Rollins, Trustees, Nelson magisterial District, County of York, Virginia" prepared by Davis and Associates, P.C., Surveyors and Planners, dated May 10, 2000. Said property being a part of that certain property conveyed to Betty A. and Roland R. Rollins, Trustees and recorded in Deed Book 923, Page 173 and Deed Book 923, Page 176 in the Clerk's Office of the Circuit Court for the County of York, Virginia and more particularly described as follows:

Commencing at a concrete monument located on the east side of George Washington Memorial Highway (U.S. Route 17) and the common boundary line of the Trustees of the Yorkminster Presbyterian Church and the property of Betty A. and Roland R. Rollins, Trustees, N 60° 30' 46" E, 394.65' (feet) to the point and place of beginning. Thence from the point and place of beginning thus established N 60° 30' 46" E, 288.48' (feet) to a point thence S 24° 14' 25" E, 29.99' (feet) to a point; thence S 60° 30' 46" W, 183.00' to a point; thence S 31° 13' 52" E, 255.48' (feet) to a point thence N 50° 39' 57" W, 305.88' (feet) to a point being the point and place of beginning. The property is bounded on the east, south and west by property owned by Betty A. and Roland R. Rollins, Trustees and on the north by the Trustees of Yorkminster Presbyterian Church.

From GB (General Business) to PD (Planned Development):

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 0.1275 acres and being known and designated as "Area proposed to be Rezoned from GB to PD (0.1275 acres)" as shown on that certain plat entitled "Plat showing Proposed Rezoning, Properties of Betty A. and Roland R. Rollins, Trustees, Nelson magisterial District, County of York, Virginia" prepared by Davis and Associates, P.C., Surveyors and Planners, dated May 10, 2000. Said property being a part of that certain property conveyed to Betty A. and Roland R. Rollins, Trustees and recorded in Deed Book 923, Page 173 and Deed Book 923, Page 176 in the Clerk's Office of the Circuit Court for the County of York, Virginia and more particularly described as follows:

Commencing at a concrete monument located on the east side of George Washington Memorial Highway (U.S. Route 17) and the common boundary line of the Trustees of the Yorkminster Presbyterian Church and the property of Betty A. and Roland R. Rollins, Trustees, N 60° 30' 46" E, 394.65' (feet) to a point; thence S 50° 39' 57" E, 305.88' (feet) to the point and place of beginning. Thence from the point and place of beginning thus established S 50° 39' 57" E, 188.17' (feet) to a point thence S 58° 51' 47" E, 62.61' (feet) to a point; thence N 31° 13' 52" W, 177.35' (feet) to a point being the point and place of beginning. The property is bounded on the north, east, south and west by property owned by Betty A. and Roland R. Rollins, Trustees.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba  
Nay: (0)

APPLICATION NO. ZM-51-00, ST. MARK LUTHERAN CHURCH

Mr. Baldwin made a presentation, after a short video showing the area in question, to consider adoption of proposed Ordinance No. 00-18 to reclassify, subject to conditions, from Limited Industrial to General Business six parcels located on Old York-Hampton Highway in the north-east quadrant of its intersection with Freedom Boulevard. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-18.

Chairman Zaremba then called to order a public hearing on Application No. ZM-51-00 which was duly advertised as required by law. Proposed Ordinance No. 00-18 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 7.5 ACRES FROM IL (LIMITED INDUSTRIAL) TO GB (GENERAL BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

Ms. Elizabeth White, 11817 Canon Boulevard, Newport News, appeared representing St. Mark Lutheran Church, and she introduced members of the Church, the Church's building committee, and the Church's architect. She stated they concur with the Planning Commission's decision to approve the application and asked the Board to approve the rezoning. In conjunction with her presentation, she distributed a notebook to the Board with information depicting the surrounding properties of the Church.

Reverend Gary Erdos, Pastor of St. Mark Lutheran Church, stated the project has been in the works for two years now, and he thanked all of those from the County offices, including Mr. Baldwin and Mr. Noel's offices, who have worked diligently with them.

There being no one else present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Miss Rapp then moved the adoption of proposed Ordinance No.00-18 which reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 7.5 ACRES FROM IL (LIMITED INDUSTRIAL) TO GB (GENERAL BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, St. Mark Lutheran Church has submitted Application No. ZM-51-00, which requests to amend the York County Zoning Map by reclassifying 7.5 acres, a total of six (6) parcels, located at 118 Old York Hampton Highway (Route 634), and further identified as Assessor's Parcel No(s). 24-185A, 24-(60)-4, 24-(60)-17, 24-(60)-18, 24-(60)-20, and 24-(60)-21, from IL (Limited Industrial) to GB (General Business), subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and



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WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that it does hereby approve Application No. ZM-51-00 to amend the York County Zoning Map by reclassifying 7.5-acres, a total of six (6) parcels, located at 118 Old York Hampton Highway (Route 634), and further identified as Assessor's Parcel No(s). 24-185A, 24-(60)-4, 24-(60)-17, 24-(60)-18, 24-(60)-20, and 24-(60)-21, from IL (Limited Industrial) to GB (General Business), subject to conditions voluntarily proffered by the property owner in the proffer statement entitled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Maps: 24-185A, 24-60-4, 24-60-17, 24-60-18, 24-60-20, 24-60-21 and dated July 28, 2000 and listed below:

The property shall not be used for the following land uses:

- a) Restaurant/Fast Food
  - b) Restaurant/Drive In
  - c) Car Wash
  - d) Automobile Fuel Dispensing Establishment/Service Station
  - e) Neighborhood Shopping Center
  - f) Community or Regional Shopping Center
  - g) Toy Store
  - h) Bait and Tackle Store
  - i) Convenience Store
- 2) In connection with any submission of a final site plan for the property, the applicant agrees to vacate the lot lines among the various lots comprising the property to form one large parcel provided all the following conditions are met:
- a) The Subdivision Agent of York County deems it necessary for the property owner to vacate such lines; and
  - b) The vacation of such lines will not violate, contradict or contravene the easements, terms, conditions and obligations set forth in that certain Declaration of Covenants, Conditions, and Restrictions for Victory Park Property Owners Association, Inc. dated December 22, 1987 and recorded in the Clerk's Office of the Circuit Court for the County of York in Deed Book 506 at Page 321 (the Declaration) as may have been, or may in the future be, amended pursuant to the terms set forth in the Declaration; and
  - c) The property owner is able to obtain all consents, if any, required by the Declaration to be obtained in connection with the vacation of such lot lines; and

The vacation of such lot lines is permitted under the Zoning and/or Subdivision Ordinances of the County of York, Virginia.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba  
Nay: (0)

APPLICATION NO. UP-559-00, JOHN AND JANET VEITH

Mr. Baldwin made a presentation, after a short video displaying the area in question, on Application No. UP-559-00 to approve a use permit authorizing an 850-square foot accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R00-135.

Mr. Wiggins asked if the building permit would be issued for the house first and then the apartment later.

Mr. Baldwin stated the applicant would either do the house first, or he could apply for a permit for the house and the garage accessory apartment concurrently. He explained the garage with the accessory apartment could not be done first; it had to be done after, or concurrently with, the house.

Mrs. Noll asked about the provisions for off-street parking.

Mr. Baldwin stated a three-car garage was being proposed with an accessory apartment on top of it, and it would be necessary to meet the County's parking requirements for both the home and the accessory apartment.

Mr. Burgett questioned the timing on the project, stating the applicant was requesting a five-year extension. He asked why approval was requested now when the applicant did not intend on building for four years.

Mr. Baldwin stated it was his understanding the applicant wanted to get the lot paid off before proceeding with construction on the site, but they wanted to make sure they ultimately could build the accessory apartment. He explained the standard time frame was two years, but it could be extended to five.

Mr. Burgett expressed concern about the abuse of the standard time frame should they allow the extension of five years in this case. He felt others may ask for an extensions.

Chairman Zaremba then called to order a public hearing on Application No. UP-559-00 which was duly advertised as required by law. Proposed Resolution R00-135 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION  
WITH A SINGLE-FAMILY DETACHED DWELLING TO BE CON-  
STRUCTED IN SKIMINO LANDING ESTATES

There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

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Mr. Burgett expressed his concern about extending the permit for an additional three years. He felt it opened doors for more of these requests.

Mr. Baldwin stated if the proposed accessory apartment were 450 square feet or less, it would be permitted by right. The reason the application came before the Board was because the applicant wanted a larger accessory apartment. He explained the applicant was not going to build a single family home unless it could be accompanied by the accessory apartment.

Discussion followed on the timing issue.

Mrs. Noll agreed with Mr. Burgett that if the Board made an exception on the time frame, future applicants might request the same.

Chairman Zaremba suggested the language be changed to allow the standard two years rather than five years.

Mr. Burgett then moved the adoption of proposed Resolution R00-135(R) with the deletion of the paragraph dealing with the 5-year term which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION  
WITH A SINGLE-FAMILY DETACHED DWELLING TO BE CON-  
STRUCTED IN SKIMINO LANDING ESTATES

WHEREAS, John and Janet Veith have submitted Application No. UP-559-00 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board of Supervisors has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that Application No. UP-559-00 be, and it is hereby, approved to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40 subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40.
2. Building plans in substantial conformance with the sketch plan submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 850 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. The accessory apartment shall be constructed in conjunction with or subsequent to, but in no case prior to, the construction of the principal dwelling unit.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea:	(4)	Noll, Wiggins, Burgett, Zaremba
Nay:	(1)	Rapp

APPLICATION NO. UP-560-00, FERGUSON ENTERPRISES, INC.

Mr. Baldwin made a presentation, after a short video showing the area in question, on Application No. UP-560-00 to approve a use permit authorizing the establishment of a wholesale trade establishment with outdoor storage on approximately 10 acres of land along Mooretown Road approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive. The Planning Commission considered the application and forwarded it to the Board of

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Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R00-136.

Chairman Zaremba asked what was meant when the applicant stated a compromise would be considered, if feasible, before the application went to the Board.

Mr. Baldwin stated if the applicant were to accommodate the required 25-foot buffer, he would have to move the fence line and lose storage area. A compromise was reached by agreement to a 10-foot buffer, which was what the applicant was showing on the site plan, and the County would require the creation of a solid hedge of evergreen planting material. Mr. Baldwin stated another issue was the gate. It appeared the applicant was willing to upgrade the gate, wanting it to be attractive from the roadway. The last issue was whether or not the Board would feel that a wrought iron fence along the parking lot was appropriate or would the Board allow the applicant to use the vinyl-coated, chain link fence as used around the rest of the property.

Chairman Zaremba then called to order a public hearing on Application No. UP-560-00 which was duly advertised as required by law. Proposed Resolution R00-136 is entitled:

A RESOLUTION TO APPROVE APPLICATION NO. UP-560-00 WHICH  
REQUESTS A USE PERMIT TO AUTHORIZE A WHOLESALE TRADE  
ESTABLISHMENT WITH OUTDOOR STORAGE ALONG MOORE-  
TOWN ROAD

Mr. Don Swain, 140 Raven Lane, Surry, representing the applicant, asked the Board to consider the applicant's request for fencing made of a wrought-iron, aluminum look-a-like material. He stated the concerns are security, maintenance, and durability. He requested that the first sentence in item number 4 of the resolution be deleted, and he also requested modification to the second sentence by deleting the word "other" and by adding "with ornamental gates" at the end of that sentence. Mr. Swain also addressed the landscape issues with the Board.

Discussion followed regarding the fencing materials.

Mrs. Noll then moved the adoption of proposed Resolution R00-136(R) which reads:

A RESOLUTION TO APPROVE APPLICATION NO. UP-560-00  
WHICH REQUESTS A USE PERMIT TO AUTHORIZE A WHOLE-  
SALE TRADE ESTABLISHMENT WITH OUTDOOR STORAGE  
ALONG MOORETOWN ROAD

WHEREAS, Ferguson Enterprises, Inc. has submitted Application No. UP-560-00 which requests a use permit, pursuant to the terms of Section 24.1-306 (category 14, number 3) of the York County Zoning Ordinance, to authorize establishment of a wholesale trade establishment with outdoor storage on approximately ten (10) acres of land along Mooretown Road approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive, and further identified as a portion of Assessor's Parcel No. 2-34, subject to conditions; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the recommendations of the Planning Commission and staff with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that Application No. UP-560-00 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize establishment of a wholesale trade establishment with outdoor storage on approximately ten (10) acres of land along Mooretown Road approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive and further identified as a portion of Assessor's Parcel No. 2-34.
2. Except as modified herein, the development shall be constructed in significant conformance with the conceptual plans titled "Ferguson Enterprises, Inc. Proposed Plan 17,000 S.F.," "Mooretown Road View," and "Clark Road View," all three dated July 26, 2000, with particular emphasis on site layout and the orientation of the storage yard.
3. Use of theft-deterrent fencing (i.e., barbed wire, razor wire, etc.) anywhere on the property shall be prohibited.
4. All fencing on the property shall be dark green or black vinyl-dipped chain link or masonry type with ornamental gates. All fencing shall be supplemented with a mixture of evergreen planting materials that shall form a continuous screening hedge.
5. A Type 25 (twenty-five-foot) buffer shall be maintained along the outside of the entire length of the fencing enclosing the storage yard with the exception of that portion that faces the business park's interior roadway. Existing vegetation may serve as the buffer provided, however, it is maintained in its natural state, is not altered in any manner, and is at least twenty-five feet (25') in width. At a minimum, a Type 25 buffer shall be provided between the storage area and the adjacent property lines with the exception of property fronting Mooretown Road and that property facing the parking lot side of the storage area where a thirty-five-foot (35') landscaped buffer is required. No fencing shall be placed outside of this buffer.
6. A thirty-five-foot (35') landscaped buffer shall be provided between the business park's interior roadway and the edge of the parking lot.
7. Outdoor lighting shall be full cutoff luminaires or a decorative luminaire with full cutoff optics. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. All lighting except low-level security lighting shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan indicating all outdoor lighting on the site. This plan shall be approved by the Planning Division prior to the installation of any lighting on the site.

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8. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba  
Nay: (0)

## **UNFINISHED BUSINESS.**

### **DISCHARGE OF FIREARMS ORDINANCE**

Mr. Barnett displayed for the Board a map depicting those portions of the County in which the discharge of firearms is prohibited by Section 16.7 of the York County Code. He explained proposed ordinance No. 00-8(R) was drafted in response to legislation adopted by the General Assembly suggesting that the County may be obligated to make an amendment to its ordinance with respect to the discharge of firearms.

Mr. Stuck stated the map prepared several years ago when the restriction was adopted gave a better picture of firearms restrictions in the County since it also showed the Federal properties and Waterworks properties as restricted.

Mr. Barnett stated the County adopted its ordinance pursuant to Section 15.2-1209 of the Code of Virginia which allows local governments to prohibit firearms in densely populated areas. The section also states that any County that does prohibit firearms shall provide an exception for the killing of deer with a Game and Inland Fisheries Kill Permit on land of at least five acres that is zoned for agricultural use. The map displayed identified those parcels on which agricultural use was a permitted use. Mr. Barnett indicated there is no true agricultural zone in York County. He stated he had originally presented this matter to the Board because he thought the General Assembly action required the County to do something on land which was vacant or agriculturally used. However, after further study, he had concluded that the County was not compelled to change its regulations since it did not have an "agricultural" zoning district.

Mr. Burgett stated he felt the present ordinance was adequate, and there was no need to make a change.

Discussion followed on the proposed ordinance.

Chairman Zaremba expressed concern that taking no action on the matter would have an effect on the current ordinance that allowed deer hunting with shotguns.

Mr. Barnett stated that in some areas of the County hunting with shotguns was permitted, and in some areas hunting with bows and arrows was still permitted. There had been some discussion as to whether or not the Department of Game and Inland Fisheries would allow Kill Permits out of season.

Mrs. Noll recommended no action be taken on the proposed ordinance.

Miss Rapp asked for an explanation of the purpose of the new reflectors installed on Cook Road.

Mr. Stuck explained the reflectors were a pilot program initiated by VDOT. Their purpose is to reflect the headlights of the passing cars causing the lights to shine into the woods and hopefully scare the deer away from the road and eliminate accidents. The reflectors were installed as the result of the County's request to lower the speed limit on Cook Road. This program will allow VDOT to see if there is any impact on lowering the number of accidents.

The consensus of the Board was to take no action on proposed ordinance No. 00-8(R).

**MATTERS PRESENTED BY THE BOARD** (Continued)

Mrs. Noll reported that she and Mr. Burgett had attended a luncheon held for the York County Volunteers Association. She reported the Association had raised \$163,000 this year, and some of its funds were used to help fix up a home of a family that cared for foster children, and money was donated to the food pantry and to Avalon, the battered women's shelter. She noted the volunteers also provided scholarship money and purchased a lot for a Habitat for Humanity house. She discussed the year 2007 and a meeting she attended with the National Park Service and the Association for the Preservation of Virginia Antiquities which was held to discuss the vision for what Jamestown and the island are going to be. She stated a questionnaire was provided, and she was going request that it be put on the County's website so the citizens could download it, fill it out, and mail it back to the Park Service. They discussed some of the problems including transportation and making sure that everyone was included in the plans for the 2007 celebration.

Mr. Burgett stated he and his wife would be attending the Senior Center Bazaar on Saturday, and he reported he had received good comments from citizens on the lights installed at Dare Elementary and at the athletic fields. He felt more lighting was needed at the Tabb Library, and he asked for staff to look into that possibility. He stated his District 4 meeting would be in October, and he asked Mr. Parker to comment about complaints received regarding Cox Communications.

Mr. Parker explained that he met with Cox, and one of the topics they discussed was the delay which people have been experiencing in reaching them on the telephone. He stated that because of all the questions regarding the upgrades, the length of time it now takes on average is 3 minutes, 38 seconds, for Cox to answer the phone. He indicated Cox was not happy with the response time and intended to remedy it as soon as possible. He stated Cox felt it would be able to reduce the timeframe as soon as they could answer all the questions about the upgrades.

Mr. Burgett indicated he wanted the citizens to be aware that Cox was doing something to rectify the situation.

Mr. Wiggins congratulated the York County Business Association for its Autumn Fest. He informed the citizens that the Watermen's Museum was having an auction on Saturday, September 23. He reported he was the Board's liaison to the Peninsula Chamber of Commerce and the Williamsburg Chamber of Commerce, and the Peninsula Chamber was working on its Seafest for October 13, and the Williamsburg Chamber was working on its Octoberfest at Busch Gardens. He reported that the Seaford Elementary School football field would have lights by the first of October. He reminded citizens that the Drainage Committee would meet on Thursday, September 21, in York Hall.



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Chairman Zaremba reported it was a busy time for the Board and staff in gearing up for the preparation of the FY2002 budget. He stated the transition of the Industrial Development Authority personnel under the County Administrator's direction would soon be complete. He mentioned the Youth Commission's previous report on the quality of life for students in the County and stated he felt that the issue needed to be reviewed and addressed. He asked for a report on the status of the new YMCA facility to be built next to the Tabb Library. He also expressed a need to further define the tourist management corridors and to meet with James City County and Williamsburg soon, and stated it may be time to consider the County's need for a tourism coordinator. He informed the Board of upcoming events such as the auction at the Watermen's Museum and the Langley Air Force Base Tatoo, which included a 75-piece orchestra and a cast of individuals in vignettes tracing the history of the Air Force.

### **CONSENT CALENDAR**

Mr. Burgett asked that Item No. 13 be removed from the Consent Calendar.

Chairman Zaremba asked that Item Nos. 7 and 12 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 8, 9, 10, 11, 14, 15, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba  
Nay: (0)

Thereupon, the following resolutions adopted:

Item No. 8. REFUND OF TAXES ERRONEOUSLY ASSESSED: Resolution No. R00-155.

#### A RESOLUTION TO REPAY TAXES ERRONEOUSLY CHARGED

WHEREAS, the Board of Supervisors has received a certificate from the Commissioner of Revenue indicating an overpayment of business license tax by Boney Wilson & Sons, Inc.; and

WHEREAS, the County Attorney has consented to the proposed refund of those taxes erroneously paid;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that in accordance with § 58.1-3981 of the Code of Virginia, the Treasurer of York County be, and she is hereby directed to pay to Boney Wilson & Sons, Inc. the following indicated amount as refund of taxes, including interest, erroneously paid:

Refund of taxes	\$ 9,824.15
Interest	<u>572.75</u>
Total	<u>\$ 10,396.90</u>

Item No. 9. SUPPORT OF AIRCRAFT AT OCEANA NAVAL AIR STATION: Resolution R00-150.

A RESOLUTION TO SUPPORT THE LOCATION OF THE EAST  
COAST F/A-18 E AND F MODEL AIRCRAFT AT OCEANA NAVAL  
AIR STATION

WHEREAS, Oceana Naval Air Station is the base for the Navy's East Coast F/A-18 C and D model aircraft and all of the Navy's F-14 aircraft; and

WHEREAS, the F-14 aircraft will be retired from the Navy's inventory over the coming years and will be replaced by the F/A-18 E and F (Super Hornet) model aircraft; and

WHEREAS, the Navy is in the process of conducting a number of public meetings as part of the scoping process for preparation of an Environmental Impact Statement (EIS) on the East Coast location of the F/A-18 E and F model aircraft; and

WHEREAS, the City of Virginia Beach has consistently supported maintaining Oceana Naval Air Station as the master jet base on the East Coast as evidenced by its support for the relocation of the F/A-18 C and D models to Oceana in the interest of national defense, and in the interest of naval personnel and their families who benefit from the availability of numerous spousal employment opportunities, excellent housing, quality education, and the general quality of life in Virginia Beach and the Hampton Roads area; and

WHEREAS, the military presence in Hampton Roads greatly benefits all affected localities in the region economically; and

WHEREAS, the City of Virginia Beach has requested that the Hampton Roads communities add their support for the location of the F/A-18 E and F model aircraft to Oceana Naval Air Station;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that it does hereby encourage the Navy, through the scoping process of the Environmental Impact Statement, to consider Oceana Naval Air Station as the preferred alternative for placement of all the East Coast F/A-18 E and F model aircraft.

Item No. 10. PUBLIC WATER EXTENSION AGREEMENT—WAL-MART SUPERSTORE-LIGHTFOOT: Resolution R00-153.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE  
COUNTY'S WATER SYSTEM TO THE PROPOSED WAL-MART SU-  
PERSTORE #3219-00, AND AUTHORIZING EXECUTION OF THE  
NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Wal-Mart Stores, Inc., has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve a commercial facility; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development;

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and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$14,800.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that the Board approves the extension of the County's public water system to serve the proposed Wal-Mart Superstore #3219-00, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Wal-Mart Stores, Inc. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 11. PUBLIC SEWER EXTENSION AGREEMENT—WAL-MART SUPERSTORE-TABB:  
Resolution R00-154.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE  
COUNTY'S SANITARY SEWER SYSTEM TO THE PROPOSED WAL-  
MART SUPERSTORE #3265-00, AND AUTHORIZING EXECUTION  
OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Wal-Mart Stores, Inc., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a commercial facility; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$18,400.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that the Board approves the extension of the County's public sewer system to serve the proposed Wal-Mart Superstore #3265-00, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Wal-Mart Stores, Inc. for the proposed extension; such agreement to be approved as to form by the County Attorney.

A RESOLUTION TO SPONSOR AN AMENDMENT TO THE YORK  
COUNTY CODE, CHAPTER 24.1, ZONING, SECTION 24.1-306, TO  
PROHIBIT CERTAIN USES IN THE LIMITED INDUSTRIAL ZONING  
DISTRICT

WHEREAS, in the course of reviewing said application, it has come to the Board's attention that SEVERAL other uses are permitted in the IL zoning district that also appear to be either incompatible with industrial development or inconsistent with the Board's goal of preserving what remains of the County's IL property for revenue-generating uses;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that it does hereby sponsor an application to amend Chapter 24.1, Zoning, of the York County Code, Section 24.1-306 (Category 4-Community Uses, Category 5-Educational Uses, Category 10-Commercial/Retail, Category 11-Business/Professional Service, and Category 15-Limited Industrial Activities) to read and provide as follows:

\* \* \*

<b><u>P=PERMITTED USE</u></b> <i>S=PERMITTED BY SPECIAL USE PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 4 - COMMUNITY USES												
1. Meeting Halls, Recreational, Social Uses, or Private Clubs Operated by Social, Fraternal, Civic, Public, or Similar Organizations		S	S	S	S	S	S	S	P	S			P
2. Any Recreational or Social Uses Approved as a Part of a Subdivision or Site Plan and Operated Primarily for Use of Residents or Occupants of Such Development	P	P	P	P	P	P				P			

\* \* \*

[illegible]

School and/or Vo-Tech and Related Support Facilities	P	P	P	P	P	P	P	P	P	P	P	S	S	S
a) York County Public Schools		S	S	S	S	S		S	S	P	S	S	S	S
b) Other														
3. Technical, Vocational, Business School									S	P		P	P	
4. College/University		S							S	P		P		

\* \* \*

<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 10 - COMMERCIAL / RETAIL													
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P			
2. Wearing Apparel Store							P	P	P		P			
3. Appliance Sales									P		P			
4. Auction House								P	P		P			
5. Convenience Store							S	S	P		P			
6. Grocery Store							P		P		P			
7. Book, Magazine, Card Shop							P	P	P		P			
8. Camera Shop, One-Hour Photo Service							P	P	P		P		P	
9. Florist							P	P	P		P		P	
10. Gifts, Souvenirs Shop								P	P		P			
11. Hardware, Paint Store								P	P		P	P	P	
12. Hobby, Craft Shop								P	P		P			
13. Household Furnishings, Furniture									P		P			
14. Jewelry Store								P	P		P			
15. Lumberyard, Building Materials									S		P	P	P	
16. Music, Records, Video Tapes								P	P		P			
17. Drug Store							S	S	P		P			
18. Radio and TV Sales								S	P		P			
19. Sporting Goods Store								P	P		P			
20. Firearms Sales and Service								S	S		S			
21. Tobacco Store								P	P		P			
22. Toy Store								S	P		P			
23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops							P	P	P		P			
24. ABC Store								P	P		P			
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S	
26. Office Equipment & Supplies								P	P		P	P	P	
27. Pet Store							S	P	P		P			
28. Bike Store, Including Rental/Repair							P	P	P		P		P	
29. Piece Goods, Sewing Supplies							P	P	P		P			
30. Optical Goods, Health Aids or Appliances								P	P		P		P	

31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		
34. Second Hand, Used Merchandise Retailers (household items, etc.)								P	P				
a) without outside display/storage								S	S				
b) with outside display/storage													
35. Storage shed and utility building sales/display									S			P	P

\* \* \*

<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE												
USES													
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P		P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home								S	P		P		
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		P		
15. Restaurant/Drive In								S	P		P		
16. Restaurant - Carry-out/Delivery only							S	P	P				
17. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P	P	P	P
18. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
19. Establishments Providing Printing, Photocopying, Blue-printing, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business								P	P		P	P	P

and professional users															
20. Professional Pharmacy								P	P	P			P		

\* \* \*

Item No. 15. STATEWIDE MUTUAL AID PROGRAM: Resolution No. R00-151.

A RESOLUTION TO PARTICIPATE IN A STATEWIDE MUTUAL AID  
PROGRAM IN ORDER TO RENDER AND RECEIVE ASSISTANCE  
DURING TIMES OF EMERGENCIES

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, (Title 44, Chapter 3.2 of the Virginia Code) authorizes the Commonwealth and its political subdivisions to provide emergency aid and assistance in the event of a major disaster; and

WHEREAS, the statutes also authorize the State Emergency Operations Center to coordinate the provision of any equipment, services, or facilities owned or organized by the Commonwealth or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this resolution authorizes the request, provision and receipt of inter-jurisdictional mutual aid in accordance with Title 44, Chapter 3.2 of the Code of Virginia among political subdivisions, other authorized entities and officers within the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that the County Administrator and/or his designee shall have the authority to participate in Statewide Mutual Aid in the event of emergency or disaster in accordance with the following terms and conditions, which shall be in the nature of a compact and agreement among participating entities which have adopted similar executive orders, ordinances or resolutions. This Statewide Mutual Aid program may include requests for and provision of personnel, equipment, materials, and other forms of assistance, or any combination of assistance, to any entity within the Commonwealth, pursuant to the SMA Implementation Guide Book and the following terms and conditions:

**SECTION 1. DEFINITIONS**

- A. "EVENT AGREEMENT" - a contract between two member political subdivisions entered into at the time of emergency in which the Assisting Party agrees to provide specified resources to the Requesting Party under the terms and conditions specified in the agreement.
- B. "REQUESTING PARTY" - the member political subdivision requesting aid in the event of an emergency or disaster and participating in the Statewide Mutual Aid Program pursuant to the terms and conditions of this resolution.

- C. "ASSISTING PARTY" – the member political subdivision furnishing equipment, services and/or manpower to the Requesting Party, and participating in the Statewide Mutual Aid Program ("the Program") pursuant to terms consistent with those in this resolution.
- D. "AUTHORIZED REPRESENTATIVE" – an officer or employee of a member political subdivision authorized in writing by that entity to request, offer, or provide assistance under the terms of this resolution.
- E. "DEPARTMENT" – the Department of Emergency Management.
- F. "EMERGENCY" – any occurrence, or threat thereof, whether natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population, substantial damage to or loss of property, or substantial harm to the environment.
- G. "DISASTER" – any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the Governor or the President of the United States.
- H. "IMPLEMENTATION GUIDEBOOK" – guidance document promulgated by the Department to assist member political subdivisions with Statewide mutual aid activities, to provide procedures and minimum standards for participation, and to provide for compliance with state and federal reimbursement requirements.
- I. "MAJOR DISASTER" – a disaster which is likely to clearly exceed local capabilities and require a broad range of state and federal assistance.
- J. "MEMBER POLITICAL SUBDIVISION" – any political subdivision or authorized officer or agency within the Commonwealth of Virginia which maintains its own emergency services organization and plan and which enacts an ordinance or resolution or promulgates an executive order with terms substantially similar to those set out in this resolution, authorizing Statewide mutual aid pursuant to Title 44 of the Virginia Code.
- K. "STATE EOC" – the Virginia Emergency Operations Center from which assistance to localities is coordinated when local emergency response and recovery resources are overwhelmed. This facility is operated by the Virginia Department of Emergency Management.

## **SECTION 2. PROCEDURES FOR PROVISION OF MUTUAL AID**

When a member political subdivision either becomes affected by, or is under imminent threat of, an emergency or disaster and, as a result, has officially declared an emergency, it may request emergency-related mutual aid assistance by: (1) submitting a Request for Assistance to an Assisting Party or to the State EOC, or (2) orally communicating a request for mutual aid assistance to an Assisting Party or to the State EOC, followed as soon as practicable by written confirmation of the request. Mutual aid shall not be requested by a member political subdivision unless resources available within the stricken area are deemed to be inadequate. All requests for mutual aid must be transmitted by the Authorized Representative of the member political subdivision or the Director of Emergency Management. No member



political subdivision shall be required to provide mutual aid unless it determines that it has sufficient resources to do so.

- A. REQUESTS DIRECTLY TO ASSISTING PARTY: The Requesting Party may directly contact the Authorized Representative of the Assisting Party and provide the information in the Request Form prescribed in the SMA Implementation Guidebook. Each Assisting Party must communicate directly with the Requesting Party in order to execute an Event Agreement. The Requesting Party shall be responsible for keeping the State EOC advised of the status of mutual aid activities.
- B. REQUESTS ROUTED THROUGH, OR ORIGINATING FROM THE STATE EOC: The Requesting Party may directly contact the State EOC, in which case it shall provide the information in the Request Form in the SMA Implementation Guidebook. The State EOC may then contact other member political subdivisions on behalf of the Requesting Party. Once identified, each Assisting Party must communicate directly with the Requesting Party in order to execute an Event Agreement.
- C. ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE: When contacted by a Requesting Party, or by the State EOC on behalf of a Requesting Party, the Authorized Representative of any member political subdivision agrees to assess local resources to determine available personnel, equipment and other assistance.
- D. SUPERVISION AND CONTROL: When providing assistance under the terms of this agreement, the personnel, equipment, and resources of any Assisting Party will be under the operational control of the Requesting Party, which shall advise supervisory personnel of the Assisting Party of work tasks, for assignment to personnel. Direct supervision and control of personnel, equipment and resources shall remain with the designated supervisory personnel of the Assisting Party. The designated supervisory personnel of the Assisting Party shall: maintain daily personnel time records, material records, and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the Assisting Party; and shall report work progress to the Requesting Party. The Assisting Party's personnel and other resources shall remain subject to recall by the Assisting Party at any time, subject to reasonable notice to the Requesting Party. At least twenty-four hour advance notification of intent to withdraw personnel or resources shall be provided to the Requesting Party unless such notice is not practicable, in which case such notice as is reasonable shall be provided.
- E. FOOD, HOUSING, AND SELF-SUFFICIENCY: Unless specifically instructed otherwise, the Requesting Party shall have the responsibility of providing food and housing for the personnel of the Assisting Party from the time of their arrival at the designated location to the time of their departure. However, Assisting Party personnel and equipment should be, to the greatest extent possible, self-sufficient while working in the emergency or disaster area. The Requesting Party may specify only self-sufficient personnel and resources in its request for assistance.

- F. COMMUNICATIONS: Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Assisting Party and the Requesting Party. Assisting Party personnel should be prepared to furnish communications equipment sufficient to maintain communications among their respective operating units.
- G. RIGHTS AND PRIVILEGES: Whenever the officials, employees and volunteers of the Assisting Party are rendering aid pursuant to this Agreement, such employees shall have the powers, duties, rights, privileges, and immunities, and shall receive the compensation, incidental to their employment or position.
- H. TERM OF DEPLOYMENT: The initial duration of a request for assistance is normally seven days and may be extended, if necessary, in seven day increments. However, the duration may be shorter or longer as reflected in the Event Agreement.
- I. SUMMARY REPORT: Within ten days of the return of all personnel deployed under SMA, the Requesting Party will prepare a Summary Report of the event, and provide copies to each Assisting Party and to the Department. The Report shall be in a format prescribed by the Department and shall include a chronology of events and description of personnel, equipment and materials provided by one party to the other.

### **SECTION 3. REIMBURSABLE EXPENSES**

The terms and conditions governing reimbursement for any assistance provided pursuant to this resolution shall be in accordance with the following provisions, unless otherwise agreed upon by the Requesting and Assisting Parties and specified in the Event Agreement.

- A. PERSONNEL: During the period of assistance, the Assisting Party shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. The Requesting Party shall reimburse the Assisting Party for all direct and indirect payroll costs and expenses (including travel expenses, benefits, workers' compensation claims and expenses) incurred during the period of assistance, unless agreed to otherwise by the parties in the Event Agreement.
- B. EQUIPMENT: The Assisting Party shall be reimbursed by the Requesting Party for the use of its equipment during the period of assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which some costs may be reimbursed by the Federal Emergency Management Agency, the eligible direct costs shall be determined in accordance with 44 CFR 206.228, or other regulations in effect at the time of the disaster. Each Party shall maintain its own equipment in safe and operational condition. At the request of the Assisting Party, fuels, miscellaneous supplies, and minor repairs may be provided by the Requesting Party, if practical. If the equipment charges are based on a pre-established local or state hourly rate, then these charges to the Requesting Party shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Party and by the amount of any insurance proceeds received by the Assisting Party.

- C. MATERIALS AND SUPPLIES: The Assisting Party shall be reimbursed for all materials and supplies furnished by it and used or damaged during the period of assistance, except for the costs of equipment, fuel and maintenance materials, labor and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Party's personnel. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228 or other regulations in effect at the time of the disaster. In the alternative, the Parties may agree that the Requesting Party will replace, with like kind and quality as determined by the Assisting Party, the materials and supplies used or damaged. If such an agreement is made, it shall be reduced to writing and transmitted to the Department.
- D. RECORD KEEPING: The Assisting Party shall maintain records and submit invoices for reimbursement by the Requesting Party in accordance with existing policies and practices. Requesting Party and Department finance personnel shall provide information, directions, and assistance for record keeping to Assisting Party personnel. Later, Department personnel will provide assistance to the Requesting Party in seeking federal/state reimbursement.
- E. PAYMENT: Unless otherwise mutually agreed, the Assisting Party shall bill the Requesting Party for all reimbursable expenses with an itemized statement as soon as practicable after the expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with applicable federal or State regulations. The Requesting Party shall pay the bill, or advise of any disputed items, not later than sixty (60) days following receipt of the statement, unless otherwise agreed upon.
- F. WAIVER OF REIMBURSEMENT: A member political subdivision may assume or donate, in whole or in part, the costs associated with any loss, damage, expense or use of personnel, equipment and resources provided.

#### **SECTION 4. INSURANCE**

- A. WORKERS' COMPENSATION COVERAGE: Each member political subdivision shall be responsible for its own actions and those of its employees and is responsible for complying with the Virginia Workers' Compensation Act.
- B. AUTOMOBILE LIABILITY COVERAGE: Each member political subdivision shall be responsible for its own actions and is responsible for complying with the Virginia motor vehicle financial responsibility laws. Member political subdivisions agree to obtain automobile liability coverage with a limit of at least \$1,000,000 combined single limit and coverage for owned, non-owned, and hired vehicles. It is understood that the local government may include in the emergency response volunteer companies that have motor vehicles titled in the name of the volunteer company. It is the responsibility of each member political subdivision to determine if the volunteer company has automobile liability coverage as outlined in this section.
- C. GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, AND LAW ENFORCEMENT LIABILITY: To the extent permitted by law and without waiving sovereign im-

munity, each member political subdivision shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions, and the actions of its personnel in providing mutual aid assistance rendered or performed pursuant to the terms and conditions of this resolution. Each member political subdivision agrees to obtain general liability, public official's liability, and law enforcement liability, if applicable, with minimum single limits of no less than one million dollars.

#### **SECTION 5. ROLE OF THE DEPARTMENT OF EMERGENCY MANAGEMENT**

The Department shall, during normal operations, provide staff support to political subdivisions, officers and authorized agencies, serve as the central depository for agreements, resolutions, ordinances and executive orders, maintain a current listing of member political subdivisions, and provide a copy of this listing to each on an annual basis. The State EOC shall, during emergency operations, (1) request mutual aid on behalf of a member political subdivision, under the circumstances identified in this Agreement, (2) keep a record of all Requests for Assistance and Acknowledgments, (3) report on the status of ongoing emergency or disaster-related mutual aid as appropriate, and assist participants in meeting all procedural and other requirements, including those pertaining to federal and state cost reimbursement.

#### **SECTION 6. SEVERABILITY AND THE EFFECT ON OTHER RESOLUTIONS**

Should any portion, section, or subsection of this resolution be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection; and the remaining portions of this resolution shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated. In the event that any parties to this resolution have entered into other mutual aid agreements, those parties agree that said agreement will remain in effect unless they conflict in principle with this resolution, in which case they are superseded by this resolution. In the event that two or more parties to this resolution have not entered into another agreement, and the parties wish to engage in mutual aid, then the terms and conditions of this resolution shall apply between those parties.

ADOPTED BY POLITICAL SUBDIVISION:  
YORK COUNTY

DATE: \_\_\_\_\_

I certify that the foregoing is an accurate copy of the resolution adopted by the York County Board of Supervisors on \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

#### **COMMONWEALTH OF VIRGINIA** **DEPARTMENT OF EMERGENCY MANAGEMENT**

ACKNOWLEDGED BY:

\_\_\_\_\_.

September 19, 2000

(Name of Official)

\_\_\_\_\_  
(Title)

DATE: \_\_\_\_\_

Item No. 7. APPROVAL OF MINUTES (Removed from the Consent Calendar)

Chairman Zaremba commended the staff for the timely and comprehensive manner in which the minutes were being prepared. He asked Mr. Stuck how the County responded to citizens after they have spoken during the Citizen's Comment period.

Mr. Stuck stated staff responded to citizens' comments as needed by way of directly addressing their complaints or by written response. He also stated that some issues raised by citizens did not require a response.

Chairman Zaremba stated he felt the citizens' comments should be addressed, and he asked Mr. Stuck to discuss with staff how responses should be made.

Chairman Zaremba then moved the approval of the minutes of the August 15, 2000, Regular Meeting.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba

Nay: (0)

Item No. 12. PURCHASE AUTHORIZATION: Proposed Resolution R00-149. (Removed from the Consent Calendar)

Chairman Zaremba asked Mr. Stuck to explain the purpose of the procurement.

Mr. Stuck explained the project was the last phase of the office additions involving York Hall, the Administration Building, the Finance Building, and the Environmental & Development Services Building.

Mr. Hudgins added that the Environmental and Development Services building portion was an addition to the main building adding six offices and file storage space.

Chairman Zaremba then moved the adoption of proposed Resolution R00-149 which reads:

A RESOLUTION TO AUTHORIZE CONSTRUCTION OF ADDITIONS  
AND ALTERATIONS TO THE ENVIRONMENTAL SERVICES BUILD-  
ING

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Additions & Alterations to EDS Building	\$169,584

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba  
Nay: (0)

Item No. 13. SPEED LIMIT PROVISIONS: Proposed Resolution R00-139. (Removed from the Consent Calendar)

Mr. Burgett asked how citizens could request the increased penalty on speed limits signs in their respective neighborhoods.

Mr. Baldwin explained the policy and the requirements for requesting increased penalties on the speed limit signs in residential neighborhoods.

Mr. Burgett then moved the adoption of proposed Resolution R00-139 which reads:

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS, AS STIPULATED IN SECTION 46.2-878.2 OF THE CODE OF VIRGINIA, TO ESTABLISH INCREASED PENALTIES FOR SPEEDING ON MEADOWLAKE ROAD, NORTH LAKELAND CRESCENT, SOUTH BOWMAN TERRACE, AND SUSAN NEWTON LANE

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes the posting of certain residential streets for an increased fine of \$200, in addition to other penalties prescribed by law, for vehicles exceeding the maximum established speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for administering the regulations established to implement this law and will entertain requests for establishing the restrictions upon receipt of a formal request and resolution from the Board of Supervisors; and

WHEREAS, the Meadowlake Farms homeowners association has requested that said restrictions be imposed on these roads; and

September 19, 2000

WHEREAS, the Board perceives that a speeding problem exists based on enforcement records reported by the York County Sheriff's office and community support; and

WHEREAS, the Board has reviewed this request and believes that the designated roads meet the eligibility requirements prescribed by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that the Virginia Department of Transportation be, and it is hereby, requested to approve and install signs pursuant to Section 46.2-878.2 of the Code of Virginia, to designate the following roadways as streets on which a fine of \$200 in addition to other penalties prescribed by law may be imposed for violations of the posted speed limit:

1. Meadowlake Road (State Route 1650) from Hampton Highway (State Route 134) to its terminus
2. North Lakeland Crescent (State Route 1654) from Susan Newton Lane (State Route 1651) to its terminus
3. South Bowman Terrace (State Route 1657) from Victory Boulevard (State Route 171) to Susan Newton Lane (State Route 1651)
4. Susan Newton Lane (State Route 1651) from Meadowlake Road (State Route 1650) to Meadowlake Road (State Route 1650)

BE IT FURTHER RESOLVED that the County Administrator is requested to forward a copy of this resolution and any necessary supporting documentation to the Virginia Department of Transportation for its review and approval.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba  
Nay: (0)

## **NEW BUSINESS**

### **FORT EUSTIS BOULEVARD EXTENSION ALIGNMENTS.**

Mr. Stuck briefed the Board on proposed Resolution R00-156 to express the position of the Board of Supervisors regarding the preferred alignment for the extension of Fort Eustis Boulevard.

Chairman Zaremba stated the memorandum prepared by Mr. Noel talked about wetlands mitigation and he asked for the acreage impacted by the wetlands.

Mr. Noel stated the alignment would impact one and one-half acres of wetlands in addition to the previously included acres. He stated there were a number of ways to mitigate the wetlands, and VDOT would have to develop a mitigation plan to compensate for the wetlands that are impacted by the project.

Discussion followed concerning the Fort Eustis Boulevard extension alignment.

Mrs. Noll moved the adoption of Resolution R00-156 which reads:

A RESOLUTION TO EXPRESS THE POSITION OF THE BOARD OF  
SUPERVISORS REGARDING THE PREFERRED ALIGNMENT FOR  
THE EXTENSION OF FORT EUSTIS BOULEVARD

WHEREAS, the extension of Fort Eustis Boulevard east from Route 17 to the intersection of Goodwin Neck Road and Seaford Road has been one of York County's high-priority road projects for many years; and

WHEREAS, the Virginia Department of Transportation conducted a Location Public Hearing for this project on May 3, 2000, and is accepting comments regarding potential alignments for this new road; and

WHEREAS, through adoption of Resolution No. R00-73 on May 16, 2000, the Board expressed its support for alternative corridor alignment BD; and

WHEREAS, subsequent to taking that action, the Board has received additional information, as set forth in the County Administrator's report to the Board dated September 7, 2000, indicating that alignment BD would have significant detrimental impacts on the continued operation of the Dominion - Virginia Power fly ash structural fill site; and

WHEREAS, said facility is an important and integral component of the successful operation of the Yorktown Power Station; and

WHEREAS, of the five remaining alignment alternatives under consideration, Alignment BC offers the greatest benefit to the County and its citizens by providing a fairly direct route to Interstate 64 for Seaford residents while also providing access to one of the County's Economic Development Priority Areas and minimizing impacts on adjacent property owners;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of September, 2000, that it does hereby rescind its previous endorsement of Alignment BD and instead endorses Alignment BC, with a landscaped median, as the preferred alternative for extending Fort Eustis Boulevard east of Route 17.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba  
Nay: (0)

APPROPRIATIONS FOR CARRYFORWARD FUNDS AND UNOBLIGATED SCHOOL OPERATING  
FUND BALANCE

Mr. Stuck briefed the Board on proposed Resolution R00-132 to appropriate funds for the purpose of liquidating outstanding purchase orders and for the completion of capital and special projects from FY2000.

Mrs. Noll moved the adoption of Resolution R00-132 which reads:

A RESOLUTION TO APPROPRIATE FUNDS FOR THE PURPOSE OF  
LIQUIDATING OUTSTANDING PURCHASE ORDERS AND FOR THE



September 19, 2000

COMPLETION OF CAPITAL AND SPECIAL PROJECTS FROM FISCAL YEAR 2000

WHEREAS, sufficient funds were available but were not expended to liquidate firm obligations of the County of York as evidenced by encumbered valid purchase transactions; and

WHEREAS, it is the intention of the York County Board of Supervisors to continue the financing of certain capital and special projects which were funded in prior fiscal years and which funds are not expended;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that monies be, and are hereby, appropriated for Fiscal Year 2001 in the funds indicated for the following amounts for the purpose of liquidating encumbered purchase transactions as of June 30, 2000.

<u>Fund</u>	<u>Amount</u>
8 - Tourism Fund	\$ 345,108
11 - County Carryover Fund	869,710
12 - Transportation Fund	24,952
21 - Solid Waste Fund	804
25 - Sewer Utility Fund	154,492
26 - Stormwater Maintenance Fund	64,690
44 - Yorktown Waterfront Fund	2,000
51 - Children's Services / HeadStart Fund	6,344
54 - School Carryover Fund	2,311,659
70 - School Construction Fund	2,256,413
74 - Water & Sewer Extension Fund	2,866,829
79 - Capital Fund	1,068,486

BE IT FURTHER RESOLVED that the following monies be, and are hereby, appropriated for Fiscal Year 2001 in the indicated funds for the purpose of continuing capital and special projects:

<u>Fund</u>	<u>Amount</u>
8 - Tourism Fund	\$ 1,474,584
11 - County Carryover Fund	3,473,305
13 - Virginia Public Assistance Fund	6,443
25 - Sewer Utility Fund	1,048,389
26 - Stormwater Maintenance Fund	1,255,994
51 - Children's Services / HeadStart Fund	2,690
70 - School Construction Fund	2,248,577
74 - Water & Sewer Extension Fund	5,961,328

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba  
Nay: (0)

Mr. Stuck then briefed the Board on proposed Resolution R00-148 to appropriate funds for school instructional technology initiatives and for teacher training related to the State Standards of Learning..

Mr. Burgett then moved the adoption of Resolution R00-148 which reads:

A RESOLUTION TO APPROPRIATE \$384,484 FOR SCHOOL IN-  
STRUCTIONAL TECHNOLOGY INITIATIVES AND \$94,068 FOR  
TEACHER TRAINING RELATED TO THE STATE STANDARDS OF  
LEARNING

WHEREAS, in 1996 the Board of Supervisors began the practice of appropriating the unobligated fund balance remaining at the end of the prior fiscal year for School capital projects and it is the desire of the Board of Supervisors that this practice be continued; and

WHEREAS, at the close of Fiscal Year 2000 the School Operating Fund had an excess of revenues over expenditures and obligations which totaled \$478,552; and

WHEREAS, the School Division has requested that \$384,484 be appropriated in Fiscal Year 2001 for instructional technology initiatives and the remaining \$94,068 be appropriated for teacher training related to the State Standards of Learning;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of September, 2000, that \$384,484 be, and is hereby, appropriated in the School Capital Fund for instructional technology initiatives.

BE IT FURTHER RESOLVED that \$94,068 be, and is hereby, appropriated in the School Carryover Fund for teacher training related to the State Standards of Learning.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba  
Nay: (0)

Meeting Adjourned. At 10:21 p.m. Chairman Zaremba declared the meeting adjourned to 5:30 p.m., Tuesday, September 26, 2000, in the East Room, York Hall, for the purpose of conducting a work session.

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Daniel M. Stuck, Clerk  
York County Board of Supervisors

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Walter C. Zaremba, Chairman  
York County Board of Supervisors